

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Hazardous Waste
Transportation Services, Inc
10600 Painter Avenue
Santa Fe Springs, CA 90670-
4030

ID No. CAR000129759

Respondent.

Docket TFIS 03-07-940792

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Hazardous Waste Transportation Services, Inc. (Respondent).

1.2. Regulatory Status. Respondent is a registered hazardous waste transporter operating from the following address: 10600 Painter Avenue, Santa Fe Springs, California.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of

the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondent violated Title 22, California Code of Regulations, section 66263.16(a) in that on or about July 21, 2004, Respondent transported 3,200 gallons of acidic hazardous waste in a tanker truck that was not designed and constructed to prevent releases under conditions normally incident to transportation of that waste.

2.2. The Respondent violated California Health and Safety Code, section 25189.2(c) in that on or about July 21, 2004, Respondent disposed or caused the disposal of 3,200 gallons of acidic hazardous waste from a tanker truck at location, Interstate Highway I-15 in the County of San Diego, not authorized by the Department.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. Immediately upon the effective date of this Order, Respondent shall transport hazardous waste only in containers or tanks so designed and constructed that under conditions normally incident to transportation, there shall be no release of hazardous waste to the environment.

3.2. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.3. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.4. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.5. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing.

The extension request shall include a justification for the delay.

3.6. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of

such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$35,500. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopies of the check shall be sent to:

Ms. Florence Gharibian, Branch Chief
Statewide Compliance Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California

Ms. Allison Saldana, Hazardous Substance Scientist
Statewide Compliance Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California

Mr. James Grace, Staff Counsel
Office of Legal Assistance
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance 10/3/07



Ms. Florence Gharibian, Branch Chief
Statewide Compliance Branch
Department of Toxic Substances Control